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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/089,402 06/03/98 MURATA

H P7314-8005

EXAMINER

WM02/0828

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ART UNIT	PAPER NUMBER
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2612

DATE MAILED:

08/28/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
09/089,402

Applicant  
Murata et al.

Examiner  
Luong Nguyen

Art Unit  
2612



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jun 18, 2001
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:

- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 20) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed with respect to claims 1-5 and 7 filed on 6/18/2001 have been fully considered but they are not persuasive.

Applicant's arguments with respect to claim 6 filed on 6/18/2001 have been considered but are moot in view of the new ground(s) of rejection.

In re page 5, Applicants argue that Kinjo fails to teach and/or suggest the claimed exposure correction means.

In response, regarding claim 1, the Applicant amended claim 1 with the claimed limitation "exposure determination means for determining the exposure; and exposure correction means for making exposure correction to the exposure determined by the exposure determination means on the basis of the detected information relating to the movement of the object." The Examiner considers that claim 1 as amended still do not distinguish over Kinjo patent. Kinjo disclose determination of a taking exposure amount and main object distance in accordance with the detected main object (column 1, lines 10-20; column 12, lines 22-53, exposure determination means). In addition, Kinjo disclose the taking exposure control circuit 34 corrects the exposure base on the information detected by main object detecting circuit 30 (figure 1, column 7, lines 1-45, exposure correction means ).

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***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Kinjo (US 5,289,227).

Regarding claim 1, Kinjo discloses a method of automatically controlling taking exposure and focus of a camera, comprising an imaging device, disclosed as an image sensor 20 (figure 1, column 6, line 15); means for detecting information relating to the movement of an object, disclosed as main object detecting circuit 30 (figure 1, column 6, line 43 through column 7, line 11); exposure determination means (determination of a taking exposure amount, column 1, lines 10-20; column 12, lines 22-53); exposure correction means, disclosed as taking exposure control circuit 34 (figure 1, column 7, lines 12-45).

Regarding claims 2-5, Kinjo discloses the exposure correction means corrects the shutter speed, the diaphragm, the gain and the strobo flashing (figure 1, column 7, lines 27-58).

Regarding claim 7, Kinjo discloses the information relating to the movement of the object is motion vectors respectively corresponding to a plurality of detecting areas set in an imaging area of the imaging device (figure 7, column 8, line 62 through column 9, line 64).

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*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kinjo (US 5,289,227) further in view of Nakano et al. (US 5,043,816).

Regarding claim 6, Kinjo fails to specifically disclose means for temporarily storing a plurality of image and retaining, when the shutter is released, only the picked-up image in which the movement of the object is the smallest out of the picked-up images temporarily stored before and after the shutter is released. However, Nakano et al. disclose an electronic still camera in which in the before/after photographing mode, when the shutter button 15 is depressed, a plurality of images which have been taken before and after the shutter operation are stored in memory 22. Furthermore, the image having most less blurring phenomenon (the movement of the object is smallest) can be selected and then recorded on the floppy disk 28 (figures 1, 11-12, column 14, lines 53-63). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus in Kinjo by the teaching of Nakano et al. in order to obtain a novel electronic camera capable of confirming the taking of a picture which has the best image quality regardless the blurring phenomenon occurs when the shutter button is depressed (column 2, lines 19-20, column 15, lines 46-54).

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*Conclusion*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Luong Nguyen** whose telephone number is **(703) 308-9297**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wendy Garber**, can be reach on **(703) 305-4929**.

**Any response to this action should be mailed to:**


Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive, Arlington, VA., Sixth Floor (Receptionist).

LN LN  
8/23/2001

  
WENDY R. GARBER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600